

Exhibit 1

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IN THE DISTRICT COURT OF OKLAHOMA COUNTY

STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
Plaintiff,)
)
vs.) CASE NO. CF-2022-4399
) CF-2021-1575
) CM-2021-1102
)
KEVIN CORNELIUS WEST,)
)
Defendant.)

* * * * *

SEVENTH JUDICIAL DISTRICT OF OKLAHOMA

TRANSCRIPT OF MOTION FOR SHOW CAUSE AND MOTION OF

SUSPENSION OF CRIMINAL PROCEEDINGS

HAD ON THE

5TH DAY OF OCTOBER, 2023

BEFORE THE HONORABLE NIKKI KIRKPATRICK

* * * * *

REPORTED BY:

Diana Ocampo Somers, CSR
Official Court Reporter
Oklahoma County Courthouse
321 Park Avenue, Suite 717
Oklahoma City, Oklahoma 73102
(405) 713-1463

1 forensic bed becomes available. Because we don't have a
2 bed available for him, we have not taken custody, and
3 therefore the reports have not been provided.

4 Now, if the Court reads that differently and would
5 like -- believes that a report should be provided as soon
6 as the order is issued, then that is definitely something
7 that I can pass along -- for lack of a better phrase --
8 so that we can start having those reports coming in that
9 fashion. But at this time, that is not -- so it's not
10 anything willful that we have been doing to not provide
11 those reports. Just with how many Defendants we have
12 waiting for a bed, the reports have been -- being
13 provided once custody has been taken.

14 THE COURT: But Counsel, you're talking in
15 circles because you say that, "I don't have to provide a
16 report regarding how the Defendant's doing until I take
17 custody of him," but, "We're not taking custody of him
18 because we don't have a bed." So I don't know when he's
19 ever going to get a bed or how his progress is going
20 because you're not giving me reports. And I don't know
21 what the statute says, but I know what my order says, and
22 my order says that the director makes reports to this
23 Court and his attorney of record, Taylor Thompson,
24 Assistant Public Defender of Oklahoma County, and to the
25 District Attorney of Oklahoma County, Oklahoma, every 120

1 days regarding the status of the defendant. And there is
2 no qualification or asterisks on that saying that it is
3 only if he is in your custody. How am I supposed to know
4 if you're derelict in your duties or not if I'm not
5 getting a report? Which you said you don't have to give
6 me a report because you're not taking him into custody.

7 It's a circular argument, Counsel. This Court's
8 order was very clear: There were supposed to be reports
9 made to this Court and to the defense Counsel and to the
10 State's Counsel, which you did not comply with, nor have
11 I had any evidence whatsoever that there were no beds
12 available in the nine and a half months that the
13 Defendant was in the Oklahoma County Jail from report one
14 to report two made by Dr. Christopher. And the record is
15 completely silent as to the fact that there were zero
16 beds available for this Defendant. And when he did not
17 achieve competency within a reasonable amount of time or
18 within one of those 120-day reporting periods, this Court
19 didn't have an opportunity to make sure that something
20 intervened so that Defendant didn't sit in jail
21 unnecessarily without properly getting competency
22 restoration services.

23 So with that being said, here's this Court's order:
24 Having heard the testimony brought before this Court, the
25 Defendant's motion for Suspension of Criminal Proceedings

1 and release of the Defendant, Kevin West, to be
2 supervised by DHS is hereby denied after witness, Dr.
3 Samina Christopher, testified.

4 The Motion for Show Cause; having heard that and the
5 testimony that was brought before this Court and also the
6 testimony that has not been brought before this Court, I
7 find that the Department of Mental Health has violated
8 this Court's December 1, 2022 order, they have not
9 complied with reporting requirements to the bare minimum
10 reporting requirement put in this Court's order on that
11 date, that the Department of Mental Health has violated
12 this Court's order, and therefore in order to purge this
13 violation and this contempt, I order furthermore that the
14 Department of Mental Health take custody of Mr. West and
15 immediately transfer him to the Oklahoma Forensic Center
16 at the very first bed available because he has now been
17 in custody 14 months. He should certainly be at the
18 front of the line. So I order that he be taken
19 immediately into the Oklahoma Forensic Center at the very
20 first bed that is available, and that competency
21 restoration services be administered until he does in
22 fact achieve competency and is ready to proceed with
23 criminal proceedings.

24 I find that this Defendant is incompetent and that
25 he is clearly in need of treatment and still is presently

1 dangerous due to his charges and the totality of the
2 circumstances as found by Dr. Christopher on her August
3 2022 report.

4 So with that being said, Counsel, once the
5 Department of Mental Health has taken custody of Mr. West
6 and gotten him either at the Oklahoma Forensic Center,
7 then I expect a report of that or if he has achieved
8 competency in the time that we've been litigating this,
9 -- maybe even as we've gone today -- if he has achieved
10 competency, I expect a report of that. And so I expect a
11 report back to this Court as soon as that first bed
12 becomes available and Mr. West is in it.

13 Is there anything further for this record at this
14 time?

15 MR. KENNEDY: Not from the defense.

16 MR. NIEMEYER: Not from the State.

17 MR. BERRY: No, Your Honor.

18 MS. BARRETT: No.

19 THE COURT: All right. Thank you. You may
20 all be released.

21 **(End of proceedings.)**
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